

**EXHIBIT A**



Entered on Docket  
March 13, 2009

A handwritten signature in black ink, appearing to read "R. B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR<sup>1</sup>

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR<sup>2</sup>

Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under

Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF  
USACM TRUST TO PROOF OF CLAIM  
OF SHERMAN SIMMONS FILED IN  
WRONG DEBTOR'S CASE; AND  
SUSTAINING OBJECTION OF DTDF TO  
PROPOSED ALLOWANCE OF CLAIM**

Hearing Date: February 3, 2009

Hearing Time: 9:30 a.m.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1       The Court having considered the “Objection of USACM Trust to Proof of Claim of  
 2 Sherman Simmons Filed in Wrong Debtor’s Case; Objection of DTDF to Proposed  
 3 Allowance of Claim” [Docket No. 6690] (the “Objection”); with appearances as set forth  
 4 in the record at the hearing noted above; appropriate notice of the Objection having been  
 5 given; no response to the Objection having been filed; and good cause appearing:

6       **IT IS HEREBY ORDERED** that:

7       1.       The Objection is sustained;  
 8       2.       Proof of Claim No. 10725-00370 is disallowed in its entirety as against USA  
 9       Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC (“DTDF”);  
 10      and  
 11      3.       The equity interest of The Sherman Simmons Trust Dated 7/25/97, Sherman  
 12      and Susan Simmons as Trustees, in DTDF is allowed in the amount of \$96,094.65 as  
 13      reflected in the books and records of DTDF as of April 13, 2006.

14      PREPARED AND RESPECTFULLY SUBMITTED BY:

15      **LEWIS AND ROCA LLP**

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31      *Attorneys for USA Capital Diversified  
 32      Trust Deed Fund, LLC*



## 1 APPROVED/DISAPPROVED

2 By: \_\_\_\_\_  
3 August Landis  
4 Assistant United States Trustee

5 In accordance with Local Rule 9021, the undersigned certifies:

6  The Court waived the requirements of LR 9021.  
7  No parties appeared or filed written objections, and there is no trustee appointed  
8 in this case.  
9  I have delivered a copy of this proposed order to all counsel who appeared at the  
10 hearing, any unrepresented parties who appeared at the hearing, and any trustee  
11 appointed in this case, and each has approved or disapproved the order, or failed  
12 to respond, as indicated below (list each party and whether the party has  
13 approved, disapproved, or failed to respond to the document):

12 U.S. Trustee:	13
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order 14 and/or	<input checked="" type="checkbox"/> failed to respond to the document
15 Other Party:	16
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order 17 and/or	<input type="checkbox"/> failed to respond to the document

18  
19 Submitted by:20 **LEWIS AND ROCA LLP**21  
22 By: /s/ JH (#018024)  
23 Rob Charles  
24 John Hinderaker  
25 Attorneys for USACM Liquidating Trust

26 #####